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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,985

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Darren A. Shakib

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AMIN. TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER

RAYYAN, SUSAN F

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,985

Applicant(s)

SHAKIB ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed September 28, 2006 have been fully considered but they are not persuasive.

Response to arguments with regards to the rejection of claims 19-21 under 35 USC 101 on the grounds the claims are directed to non-statutory subject matter.

Applicant argues claims as amended recite functional descriptive material recorded on a computer readable medium. Examiner respectfully disagrees.

Claims 19-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19-21 are rejected because the claims as directed to non-functional descriptive material in the form of a mere listing of data. A listing of data is not a process, machine, manufacture or composition of matter. Nor is a listing of data one of the three judicial exceptions (i.e., natural phenomena, laws of nature, or abstract ideas) to the statutory categories of patentable subject matter listed above. Since a listing does not fit into a statutory category of invention or one of the three judicial exceptions to the statutory categories of invention, the claims are rejected under 35 U.S.C. 101.

Furthermore, claims 19-21 are rejected under 35 U.S.C. 101 because the claims are not directed to a 'true data structure'. A 'true data structure' that is embodied on a

computer readable medium, meets the definition of a true data structure, and produces a result that is useful, concrete, and tangible can in fact be considered for patentability.

However, the so-called 'data structure' claimed by the applicant fails to satisfy the criteria that must be met to distinguish a 'true data structure' from a mere listing of data. The most serious deficiency arises in that the claimed 'data structure' does not meet the definition of a 'data structure' set forth in the IEEE dictionary. The IEEE dictionary defines a data structure as "a physical and logical relationship among data elements, designed to support specific data manipulation functions". The proposed 'data structure' claimed by the applicant provide no physical relationship among the data elements, no logical relationship between the data elements, and does not support any data manipulation function. Since the claimed 'data structure' fails to meet the definition of a 'data structure' according to the IEEE standards, it is concluded that the applicant's claimed invention is in fact not a 'data structure' but a mere listing of data, and therefore, unpatentable, as explained above, under 35 U.S.C. 101.

Finally, if the applicant can in fact correct the above deficiencies, claims 19-21 would need to be re-written in order to provide a practical application of the invention that yields a useful, concrete, and tangible result.

Response to arguments with regard to the rejection of claims 1-29 under 35 USC 102(b).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., "associated with a target page, obtained from one or more source pages that reference the target page" on page 11, "other reference information associated with the target page from the source page and storing this reference information in a page data store" on page 11-12, and "anchor text, and other reference information are merged with the target page and provided directly to an index building system so that the reference information retrieved from the source page is available , along with the target page , to be searched when a keyword search is performed " on page 12) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues Kim et al (2002/0129014) does not teach a page data store that stores reference information , comprising descriptive information (page 11). Examiner respectfully disagrees and finds Kim does teach this limitation at paragraph 25, Figure 1, Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information.

Applicant argues Kim does not teach page and associated reference information are provided to the indexer (page 12). Examiner respectfully disagrees and finds Kim does teach this limitation at paragraph 26, Figure 1, Reference Numbers 14,24,26 as indexer generates an index based on anchor text and parsed keywords from web pages in the web page database).

DETAILED ACTION

2. Claims 1-29 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106 IV.B.2. (b) A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. *Schrader*, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application.

Claims 19-21 in view of the above cited MPEP sections, are not statutory because they merely recite a data structure stored in memory. The claimed said data structure a first data field comprising reference information associated with page data and a second data field comprising a page steps do not provide concrete or tangible results and/or being limited to a practical application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication Number 2002/0129014 issued to Brian S. Kim ("Kim").

As per claim 1 Kim anticipates a page index system (see paragraph 22) comprising: a page data store that stores reference information associated with a page, the reference information comprising descriptive information (paragraph 25 and Figure 1:Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information); a crawler component that receives a page, retrieves reference information associated with the page from the page data store, and provides the page and associated reference information to at least an index building component (paragraph 23, lines 1-3, paragraph 25 and paragraph 26, Figure 1, Reference Numbers 14,24,26 as indexer generates an index based on anchor text and parsed keywords from web pages in the web page database).

As per claim 2, same as claim arguments above and Kim anticipates:

a web crawler employing the system of claim 1(paragraphs 23,25).

As per claim 3, same as claim arguments above and Kim anticipates:

the reference information further comprising anchor text (paragraph 25, lines 5-7).

As per claim 4, same as claim arguments above and Kim anticipates:

the reference information comprising at least one of a sentence fragment, a sentence and a paragraph in proximity to a referencing uniform resource locator (paragraph 25, lines (paragraph 25, lines 2-5).

As per claim 5, same as claim arguments above and Kim anticipates:

an Internet search engine employing the page and the reference information provided by the system of claim 1 (paragraphs 23, 25).

As per claim 6, same as claim arguments above and Kim anticipates:

the page data store storing a uniform resource locator that identifies a page, the uniform resource locator further being employed to identify the reference information associated with a particular page (paragraph 25, lines 2-5).

As per claim 7, same as claim arguments above and Kim anticipates:

one or more readable media having stored thereon computer executable instructions for carrying out the system of claim 1 (paragraph 23, 25).

As per claim 8 Kim anticipates a crawler (see paragraph 22) comprising.

an input component that receives a page (paragraph 23, lines 2-3);

a parser component that parses the page for another page referenced on the page, and the reference information comprising descriptive information (paragraph 25 and Figure 1: Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information);

stores reference information associated with the another page in a page data store (paragraph 25, lines 7-12 and Figure 1);

a retrieval component that receives the another page and retrieves the reference information associated with the another page from the page data store (paragraph 28-29);

an output component that provides an output comprising the page merged with the reference information associated with the another page (paragraph 29 and Figure 2-3).

As per claim 9, same as claim arguments above and Kim anticipates:

a page indexing system comprising the crawler of claim 8 (paragraphs 23,25,28-29).

As per claim 10, same as claim arguments above and Kim anticipates:

further comprising the page data store (paragraph 25 and Figure 1: Reference Number 24).

As per claim 11, same as claim arguments above and Kim anticipates:

The output component provides the output to at least an index building system (Figure 1, Reference Number 26, Index Builder).

As per claim 12, same as claim arguments above and Kim anticipates:

the page data store storing a uniform resource locator that identifies a page, the uniform resource locator further employed to identify the reference information associated with a particular page(paragraph25, lines 2-5).

As per claim 13, same as claim arguments above and Kim anticipates:

the reference information further comprising anchor text(paragraph 25, lines 5-7).

As per claim 14, same as claim arguments above and Kim anticipates:

the reference information comprising at least one of a sentence fragment, a sentence and a paragraph in proximity to a referencing uniform resource locator (paragraph 25, lines 2-5).

As per claim 15 Kim anticipates a method facilitating page indexing (paragraph 22) comprising:

retrieving reference information associated with a page the reference information comprising descriptive information (paragraph 25 and Figure 1:Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information);

providing an output comprising the page merged with the reference information associated with the page to at least an index building system (paragraph 29, paragraph 23, lines 1-3, paragraph 25 and paragraph 26, Figure 1, Reference Numbers 14,24,26

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as indexer generates an index based on anchor text and parsed keywords from web pages in the web page database).

As per claim 16, same as claim arguments above and Kim anticipates:

at least one of the following:

receiving a request for retrieving the page, retrieving the page, storing reference information associated with a uniform resource locator on a page (paragraph 25, Figure 1: Reference Number 24).

As per claim 17, same as claim arguments above and Kim anticipates:

retrieval of the reference information associated with the page being based, at least in part, upon a uniform resource locator identifying the page (paragraph 25, lines 2-5).

As per claim 18, same as claim arguments above and Kim anticipates:

one or more computer readable media having stored thereon computer executable instructions for carrying out the method of claim 15 (paragraphs 22,25,29).

As per claim 19 Kim anticipates a memory for storing data for access by an application program being executed on a page indexing system, comprising:

a data structure stored in said medium, the data structure comprising a first data field comprising reference information associated with a page (paragraph 25 and Figure

1:Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information);
and a second data field comprising the page (paragraphs 25,30).

As per claim 20, same as claim arguments above and Kim anticipates:
the reference information comprising anchor text(paragraph 25, lines 5-7).

As per claim 21, same as claim arguments above and Kim anticipates:
reference information further comprising at least one of a sentence fragment, a sentence and a paragraph in proximity to a referencing uniform resource locator(paragraph 25, lines 2-5).

As per claim 22 Kim anticipates one or more computer readable media storing computer executable components of a crawler (see paragraph22) comprising:
an input component that receives a page(paragraph 23, lines 2-3);
a parser component that parses the page for another page referenced on the page, stores reference information associated with the another page in a page data store(paragraph 25 and Figure 1:Reference Number 24 as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information);
a retrieval component that receives the another page and retrieves the reference information associated with the page from the page data store(paragraph 28-29);

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an output component that provides an output comprising the page merged with the reference information associated with the another page to at least an indexing building system (paragraph 29 and paragraph 26, Figure 1, Reference Numbers 14,24,26 as indexer generates an index based on anchor text (reference information)and parsed keywords from web pages (another pages) in the web page database and Figures 2-3).

As per claim 23, same as claim arguments above and Kim anticipates:

the page data store storing a uniform resource locator that identifies a page, the uniform resource locator further being employed to identify the reference information associated with a particular page(paragraph25, lines 2-5).

As per claim 24, same as claim arguments above and Kim anticipates:

reference information comprising anchor text. (paragraph 25, lines 5-7).

As per claim 25, same as claim arguments above and Kim anticipates:

reference information comprising at least one of a sentence fragment, a sentence and a paragraph in proximity to a referencing uniform resource locator (paragraph 25, lines 2-5).

As per claim 26 Kim anticipates:

means for storing reference information associated with pages the reference information comprising descriptive information (paragraph 25 and Figure 1:Reference Number 24

as anchor text written to a database where the anchor text equates to the Applicants' claimed descriptive information);

means for receiving a page (paragraph 29);

means for retrieving reference information associated with the page from means for storing reference information (paragraph 25, 28-29);

means for providing an output, to at least an index building system, the output comprising the page merged with the reference information associated with the page (paragraph 29 and paragraph 26, Figure 1, Reference Numbers 14,24,26 as indexer generates an index based on anchor text (reference information) and parsed keywords from web pages in the web page database).

As per claim 27, same as claim arguments above and Kim anticipates:

he means for storing the reference information further storing a uniform resource locator identifying a page, the uniform resource locator further being employed to identify the reference information associated with a particular page(paragraph25, lines 2-5).

As per claim 28, same as claim arguments above and Kim anticipates:

the reference information comprising anchor text(paragraph 25, lines 5-7).

As per claim 29, same as claim arguments above and Kim anticipates:

the reference information comprising at least one of a sentence fragment, a sentence and a paragraph in proximity to a referencing uniform resource locator(paragraph 25, lines 2-5).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan Rayyan

December 5, 2006



JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100